IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6157 OF 2006

Ravindra V. Gandhe ...Petitioner

Versus

The Additional Commissioner of
Police and others. ...Respondents

Mr. V.V. Pai for the petitioner.
Mr. P.I. Khemani, Assistant Government Pleader, for respondent Nos. 1 to 3.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: **OCTOBER 11, 2006**.

P.C.

The learned counsel for the petitioner has pointed out, on the basis of paragraph 5 of the order passed in Writ Petition Nos.7294 of 2003 and 3791 of 1999, on 17th August, 2004, a copy of which is annexed at Exhibit-C to the petition, that the petitioner would be deemed to be under suspension for a period of one year and that during this period he would be entitled to subsistence allowance as permissible in law and has prayed that the said order should be allowed to continue till a fresh order is passed by the respondents in respect of the petitioner's case.

2. The learned Assistant Government Pleader points out that a hearing has been afforded to the petitioner by respondent No.2 and the decision is awaited. We are, therefore, of the opinion that in the light of the observations in paragraph 5 of the aforesaid order, the petitioner should be deemed to be under suspension till a fresh order is made and during the interregnum the petitioner would be entitled to subsistence allowance as permissible in law. We also direct that the subsistence allowance would be paid to the petitioner within two months from today and that the aforesaid matter would be decided within a period of two weeks from the date of receipt of this order.

3. In so far as the present writ petition is concerned, it is dismissed as withdrawn with liberty to challenge the fresh order should the need so arise.

CHIEF JUSTICE

V.M. KANADE, J.